

ORIGINAL
FILE

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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APR 10 1992

Federal Communications Commission
Office of the Secretary

In the Matter of)	
)	
CRESCOMM TRANSMISSION)	RM-7912
SERVICES, INC.)	PP-34
)	
Request for Pioneer Preference)	

OPPOSITION OF QUALCOMM, INCORPORATED

QUALCOMM, Incorporated ("QUALCOMM"), by its attorneys, hereby submits its opposition to the Request for Pioneer Preference submitted by Crescomm Transmission Services, Inc. ("Crescomm") in the above-referenced matter.^{1/} Although QUALCOMM supports the use of C-band and Ku-band frequencies for satellite-based maritime communications, QUALCOMM submits that Crescomm's proposed Digital Ship Earth Station ("DSES") system is not an innovation within the meaning of the Commission's Pioneer Preference rules and, consequently, must be denied.

^{1/} The Commission issued a Public Notice dated March 11, 1992 seeking comments on Crescomm's Petition for Rulemaking and Request for Pioneer Preference by April 10, 1992.

Crescomm Has Not Proposed an Innovative Technology or New Service Pursuant to the Commission's Pioneer Preference Rules

QUALCOMM submits that Crescomm has failed to satisfy the Commission's requirements for a Pioneer Preference and that its request must be denied. Section 1.402 of the Commission's Rules^{2/} provides for the award of a Pioneer Preference when an applicant proposes a new service or a substantial enhancement of an existing service. Crescomm's DSES proposal is not a substantial enhancement or an innovative new use, but rather Crescomm proposes to mount an ordinary VSAT antenna on a boat. Although Crescomm plans to use a "gyrostabilized" platform for mounting its shipboard earth stations, this alone cannot constitute grounds for issuance of a Pioneer Preference.

Although Crescomm does not provide a large amount of detail about the characteristics of its proposal, it is clear that Crescomm has not proposed any innovative use of spectrum. Crescomm has not developed any innovative sharing techniques or other means of promoting greater efficiency for satellite communications. Moreover, because it does not appear that Crescomm proposes to offer mobile service, but only the fixed and temporary fixed service currently provided using VSAT systems, this should not be considered a new service. As a final matter, QUALCOMM notes that Crescomm has simply created a

^{2/} 47 C.F.R. § 1.402

new method for mounting its earth station which, absent further innovation, does not warrant grant of a Pioneer Preference.

Although the Commission has intentionally sought to maintain flexibility for the Pioneer Preference process in order to promote new and innovative proposals, the Commission has also stated that Pioneer Preference requests will not be granted routinely.^{3/} To grant a Pioneer Preference for this non-innovative use of existing technology would directly contradict the Commission's limited precedent in this area and encourage the filing of speculative requests for Pioneer Preferences for every proposal presented to the Commission.

In the event the Commission finds grounds for granting Crescomm's application, QUALCOMM requests that the Commission limit the scope of any Pioneer Preference to the use of existing VSAT antennas in a maritime environment. The Commission should not permit the award of a Pioneer Preference to Crescomm to stifle the development of innovative methods of maritime service which offer more efficient uses of the spectrum or truly new services.

^{3/} See Request for Pioneer's Preference in Proceeding to Allocated Spectrum for Fixed and Mobile Satellite Services For Low-Earth Orbit Satellites, 70 Rad. Reg. 2d 467, 469 (1992).

CONCLUSION

For the foregoing reasons, QUALCOMM, Incorporate requests that the Commission deny the Pioneer Preference requested by Crescomm Transmission Services, Inc.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Albert Shuldiner", with a long horizontal flourish extending to the right.

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Dated: April 10, 1992

CERTIFICATE OF SERVICE

I, Albert Shuldiner hereby certify that a copy of the foregoing Opposition of QUALCOMM, Incorporated was served first class mail postagge prepaid on the following parties this 10th day of April, 1992:

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Albert Shuldiner